

Minutes of Port Commission Regular Meeting  
May 16, 2023  
In Person & Videoconference

A Regular Meeting of the Port Commission of Port Freeport was held May 16, 2023, beginning at 1:02 PM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

**This meeting agenda with the agenda packet is posted online at [www.portfreeport.com](http://www.portfreeport.com)**

The meeting will be conducted pursuant to Section 551.127 of the Texas Government Code titled "Videoconference Call." A quorum of the Port Commission, including the presiding officer, will be present at the Commissioner Meeting Room located at 1100 Cherry Street, Freeport, Texas. The public will be permitted to attend the meeting in person or by videoconference.

The videoconference is available online as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/87923576255?pwd=aWlzUkZkQUIKd0FqMHRoZnRtekVIUT09>

Meeting ID: 879 2357 6255

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Commissioners present in person:

Mr. Rudy Santos, Vice Chairman  
Mr. Dan Croft, Secretary  
Mr. Rob Giesecke, Asst. Secretary  
Mr. Ravi Singhania, Commissioner  
Mr. Shane Pirtle, Commissioner

Commissioners Absent:

Mr. John Hoss, Chairman

Staff Members Present:

Ms. Megan Mikutis, Legal Counsel  
Ms. Phyllis Saathoff, Executive Director/CEO  
Mr. Rob Lowe, Director of Administration/CFO  
Mr. Al Durel, Director of Operations  
Mr. Mike Wilson, Director of Economic Development & Freight Mobility  
Mr. Chris Hogan, Director of Protective Services  
Mr. Jason Hull, Director of Engineering  
Mr. Jason Miura, Director of Business & Economic Development  
Mr. Brandon Robertson, Director of Information Technology  
Ms. Missy Bevers, Executive Assistant  
Ms. Mary Campus, Controller  
Ms. Christine Lewis, Safety Coordinator  
Mr. Cecil Booth, Project Engineer

Mr. Nick Malambri, Engineering Specialist  
Mr. Jesse Hibbetts, Operations Manager

Also, present:

Mr. Mike Hayes, Texas Port Ministry  
Mr. Peter Nemeth, Crain, Caton & James  
Ms. Leslie Carter, Breakthrough Consulting  
Ms. Emily Beall, Breakthrough Consulting  
Ms. Barbara Fratila  
Mr. Kim Kincannon

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Invocation – Mr. Mike Hayes, Texas Port Ministry
3. Pledge of Allegiance – U.S. Flag and Texas Flag
4. Roll Call – Commissioner Santos noted that Commissioner Hoss was absent. All other commissioners were present in the Board Room.
5. Safety Briefing – Ms. Christine Lewis provided a safety moment regarding mosquitos.
6. Call to identify and discuss any conflicts of interest that may lead to a Commissioner abstaining from voting on any posted agenda item.

There were no conflicts noted by Commissioners.

7. Public Comment – There were no public comments.
8. Public Testimony – There was no public testimony.
9. Approval of minutes from the Regular Meeting held April 27, 2023.

A motion was made by Commissioner Croft to approve the minutes as presented. The motion was seconded by Commissioner Giesecke with all Commissioners present voting in favor of the motion.

10. Receive report from Executive Director/CEO and/or Port staff on activities and matters related to COVID-19 health safety matters, administrative affairs, financial results, facility engineering matters, operations and vessel activity, port safety matters, port security matters, Port tenant updates, USCOE, and other related port affairs.

Ms. Saathoff reported on the Take-a-Child Fishing Tournament acknowledging Darlene Winkler, Tricia Vela and staff for all their great work in making it another successful event. 300 anglers were registered for fishing with almost 200 door prizes given away. Ms. Saathoff recognized Leslie Carter and Emily Beall with Breakthrough Consulting in the audience who is currently working with public affairs for the next few months. State legislature is moving rapidly with the Port related bill being heard in the Senate

Transportation Committee May 17. The TPA-related bills are also moving with Ms. Saathoff noting SB828, the Easements Bill, has been referred to the Governor for signature, and SB1500 has passed both the Senate and the House and is expected to be referred to the Governor for signature. Ms. Saathoff noted SB1499 bill was amended in the house. The amendment is expected to be accepted by the Senate and then referred to the Governor for signature. The appropriations bills have moved through conference committee. Staff has received the decision document and has not had a chance to review but has been told there is \$550 million included for the Gulf Coast Protection District but is unsure if anything more specific was included for the trust fund that was being created. Finally, the school tax abatement bill is moving with further action expected. Ms. Saathoff reported that the City of Freeport approved the Third Amended Mediator's Proposed Settlement Agreement and Interlocal Agreement at their May 15 meeting. Ms. Saathoff thanked the Commission for their understanding in her working remotely recently with her father being ill noting that she is still expected to be out of the country next week. Mr. Hull reported that Berth 8 was completed May 14, which was also his birthday. Ms. Saathoff added that a ribbon cutting ceremony will be held May 30 to commemorate the completion of the berth and placing it into service.

11. Adoption of a Resolution Canvassing the Election for Port Commissioners Position No. 1 and Position No. 2 held Saturday, May 6, 2023.

Ms. Saathoff presented the resolution with the official election results. Position 1, Kim Kincannon received 3921 votes, Manning Rollerson III received 374 votes and Shane W. Pirtle received 2161 votes. Position 2, Barbara Fratila received 4975 votes. Staff recommends adoption of the resolution reflecting the canvassed votes for this election.

A motion was made by Commissioner Singhania to approve the resolution. The motion was seconded by Commissioner Giesecke with all Commissioners present voting in favor of the motion.

12. Discussion regarding Hazard Mitigation Plan.

Mr. Hogan stated the Hazard Mitigation Plan is a plan in place that FEMA has for mitigating any type of hazards after a presidential disaster is declared. The projects have to protect public and private property and includes recovery. An application must be submitted from a FEMA approved hazard mitigation plan and projects must be defined within the plan and must address one of the following: drought, extreme heat, flood, hail, tornado, wildfire, lightning, levee failure, severe weather, winter storm, coastal erosion, expansive soils or tropical cyclones. Port Freeport is part of the Brazoria County Hazard Mitigation Plan along with other local agencies which must be reviewed every five years. Staff previously presented the proposed projects to be included in the plan to the OSS Advisory Committee (May 8). After presentation to the Port Commission, the plan is submitted to FEMA for approval and is then sent back to Brazoria County for adoption. Once the County approves, it's sent back to Port Freeport for adoption. Staff reviewed the following projects to include in the plan with a H(High), M(Medium), L(Low) rating noting that this list does not mean the Port is committed to any of these projects or has to go after funds however, the projects must be listed within the plan to be considered. Mr. Hogan briefly explained the following projects included in the plan:

- 1) H: Port wide warning system
- 2) L: Expand the current weather station

- 3) M: Paperless record system
- 4) M: Drainage improvements
- 5) L: Storm shutters
- 6) L: Channel user communication
- 7) H: Back-up generator for Admin
- 8) L: Erosion barrier along fence lines
- 9) H: Crane maintenance simulator
- 10) L: Emergency response training simulator
- 11) H: Network failover location
- 12) L: Weather cameras along channel
- 13) M: IT power backup and electrical grounding
- 14) M: Internet service backup
- 15) M: Pavement and surface repairs

Commissioner Giesecke asked for clarification on how the process works. Mr. Hogan explained that if there is a presidential disaster, FEMA will clear the funds for designated disaster zones. Staff would go through the list of projects to determine if there is anything to go after at that time. If there is, an application is submitted for that particular item(s) to FEMA for consideration. The state coordinates through the Texas Division of Emergency Management. In the past, staff has obtained disaster mitigation funds for the power grid to rework power poles (Ike) as well as funds for the electrical panel replacement (Harvey). Application for a generator is still open under the Hurricane Laura disaster.

13. EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government Code Section 551.001, et. seq., to review and consider the following:

- A. Under authority of Section 551.071 (Consultation with Attorney) for discussion regarding:
  1. Consultation with attorney under Government Code Section 551.071(1) (to seek or receive attorney's advice on pending or contemplated litigation or a settlement offer).
  2. Consultation with attorney under Government Code Section 551.071(2) (to seek or receive attorney's advice on legal matters that are not related to litigation).
- B. Under authority of Section 551.072 (Deliberation Concerning Real Property Matters) for discussion regarding:
  1. Discussion regarding the potential exchange, lease, or value of real property located in Freeport, Texas, including but not limited to the area known as the East End of Freeport and bordered by or adjacent to the following streets: FM1495; East 2<sup>nd</sup> Street; Terminal Street and East 8<sup>th</sup> Street in Freeport, Texas.
  2. The potential purchase, exchange, lease, or value of real property located at Port Freeport, including but not limited to the real property located at and contiguous to Berths 1, 2, 5, 7 and 8.
  3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 14, 19, 27, 34 and property on Quintana Island.
- C. Under authority of Section 551.076 (Deliberation of Security Matters) for discussion regarding:

4. Discussion regarding issues related to the deployment, or specific occasions for implementation of security personnel or devices or security audit and services.

14. RECONVENE OPEN SESSION:

15. Adjourn.

With no further business before the Commission, the meeting adjourned at 3:30 PM.